

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 93-784-T - ORDER NO. 94-561 ✓
JUNE 13, 1994

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| IN RE: Application of Metropolitan Environmental, Inc., 310 West Market Street, P. O. Box 378, Celina, Ohio 45828, for a Class E Certifi- cate of Public Convenience and Necessary. |) ORDER) GRANTING) IN PART AND) DENYING IN) PART MOTION) TO COMPEL |
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion to Compel Answers to Interrogatories and Requests for Production filed by Intervenor, Laidlaw Environmental Services (TG), Inc. (Laidlaw), whereby Laidlaw, pursuant to the applicable Commission Rules of Practice and Procedure, seeks certain relief in the nature of an Order compelling Metropolitan Environmental, Inc. (Metropolitan or the Applicant) to respond to certain interrogatories and requests for production.

On December 28, 1993, the Applicant filed its Application for authority with the Commission. On January 13, 1994, Laidlaw filed a Petition to Intervene in the instant Docket. On January 24, 1994, Laidlaw served its First Set of Interrogatories and Requests for Production of Documents and Things. On April 22, 1994, Metropolitan filed its Answers to Laidlaw's interrogatories and requests for production. Laidlaw filed its Motion to Compel on

May 20, 1994, and Metropolitan filed a response to Laidlaw's Motion on May 31, 1994.

In failing to respond to certain interrogatories and requests for production, Metropolitan objected to the interrogatories as requesting confidential information, as being overly broad, as being premature, or as having already been answered. In its Motion to Compel, Laidlaw submits that each of the disputed interrogatories and requests for production seeks information which is relevant, or will likely lead to the discovery of relevant evidence as to the issue of whether the public convenience and necessity is being adequately served in South Carolina.

The Commission has reviewed Laidlaw's Motion to Compel, Metropolitan's Response, and the individual interrogatories and requests for production in dispute and finds that Laidlaw's Motion to Compel should be granted in part and denied in part. The Commission concludes that Metropolitan has adequately responded to Laidlaw's Interrogatory Numbers 17 and 21. The Commission concludes that Interrogatory Number 2 is relevant to these proceedings and should be answered. The Commission also concludes that Interrogatory Number 3 is relevant to these proceedings and that Metropolitan should answer this interrogatory if any of these items are to be used in the hearing on this matter. Metropolitan shall answer Interrogatory Numbers 2 and 3 at least twenty (20) days prior to the hearing in this matter.

The Commission also concludes that Metropolitan should not be required to answer Interrogatory Numbers 14, 15, 16, 18, and 30 and should not be required to answer Requests for Production Numbers 2 and 3, as these interrogatories and requests for production appear to the Commission to be overly broad and are requesting proprietary information.

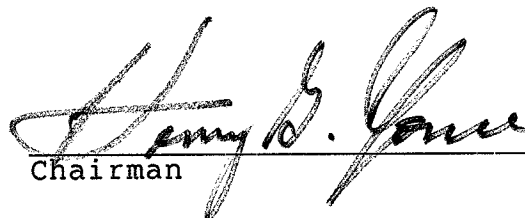
IT IS THEREFORE ORDERED THAT:

1. Laidlaw's Motion to Compel is granted with regard to Interrogatory Numbers 2 and 3, and Metropolitan shall furnish the answers to these interrogatories at least twenty (20) days prior to the hearing in this matter.

2. Laidlaw's Motion to Compel is hereby denied as to Interrogatory Numbers 14, 15, 16, 17, 18, 21, and 30, and as to Requests for Production Numbers 2 and 3.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)